

CALIFORNIA LEGISLATURE

2017–18 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED THIRTY-FIRST LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Wednesday, January 10, 2018

The Senate met at 9 a.m.

Hon. Connie M. Leyva, of the 20th District, presiding.

Secretary Daniel Alvarez at the Desk.

Assistant Secretary Zachary L. Twilla reading.

### ROLL CALL

The roll was called and the following Senators answered to their names:

Allen, Anderson, Atkins, Bates, Beall, Berryhill, Bradford, Cannella, De León, Dodd, Fuller, Gaines, Galgiani, Glazer, Hernandez, Hertzberg, Hill, Hueso, Jackson, Lara, Leyva, McGuire, Mitchell, Monning, Moorlach, Morrell, Newman, Nguyen, Nielsen, Pan, Portantino, Roth, Skinner, Stone, Vidak, Wieckowski, Wiener, and Wilk—38.

Quorum present.

*(NOTE: Senator Mendoza will be excused this day on personal business.  
Senator Stern will be excused this day on legislative business.)*



**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol  
January 10, 2018

*To the Members of the Senate and the Assembly  
of the California Legislature:*

In 2011, we faced “a tough budget for tough times.” We cut spending, the economy recovered, and voters approved tax increases. The \$27 billion deficit became a solid surplus.

In recent years, I have warned of an inevitable recession lurking in our future, which thankfully has not yet arrived. Nevertheless, we must remain vigilant and not let rosy statistics lull us into believing that economic downturns are a relic of the past. Fiscal restraints are needed more than ever as California approaches the peak of the business cycle.

This budget reflects our collective priorities. As was true in 2011, our Job Number 1 is fixing our state budget and keeping spending in line with revenue. In a volatile and uncertain world, fixing the budget is a perpetual struggle and one we must approach with wisdom.

California has faced ten recessions since World War II and we must prepare for the eleventh. Yes, we have had some very good years and program spending has steadily increased. Let's not blow it now.

I urge you to debate this budget, reflect on the many uncertainties we face and fill the Rainy Day Fund. In this way, we will avoid the drastic cutbacks suffered in previous downturns and keep faith with the people and our state on an even keel.

With respect,

EDMUND G. BROWN JR., Governor



**Governor's Appointments**

Governor's Office, State Capitol

January 10, 2018

*To the Senate of the State of California:*

I have the honor to transmit to you herewith the following appointment heretofore made by me to offices which by law are to be filled by the Governor. This appointment is subject to Senate confirmation and consent. I hereby nominate this appointee to you and request your confirmation and consent.

Sincerely,

EDMUND G. BROWN JR., Governor

ERAINA ORTEGA, has been appointed inspector general in the Office of Audits and Investigations at the California Department of Transportation. Ortega has served as chief deputy director of policy at the California Department of Finance since 2013. She was a senior legislative representative at the California State Association of Counties from 2008 to 2013. Ortega served as manager of the Judicial Council's Office of Governmental Affairs from 2001 to 2008, and as a policy analyst at the California Legislative Analyst's Office from 1999 to 2001. She earned a Master of Public Policy degree from the Harvard University, Kennedy School of Government. Appointed 10/13/2017. Effective 01/02/2018.

Inspector General, Office of Audits and Investigations, California Department of Transportation, new commission. Term ending 6 years from 2nd commission.

Above appointment referred to the Committee on Rules.

**Governor's Appointment Withdrawals**

Governor's Office, State Capitol

January 10, 2018

*To the Senate of the State of California:*

I hereby respectfully withdraw from consideration, effective close of business January 10, 2018, the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation.

Grant Davis

Director, Department of Water  
Resources

Sincerely,

EDMUND G. BROWN JR., Governor

Above withdrawal transmitted to the Committee on Rules.



**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill 795**—An act to amend Sections 5096.20 and 5096.21 of, to amend and repeal Sections 5072, 5096, 5096.1, 5096.2, 5096.4, 5096.5, 5096.6, 5096.7, 5096.12 of, and to repeal Sections 5096.3, 5096.8, 5096.9, 5096.10, 5096.13, 5096.14, and 5096.15 of, the Business and Professions Code, relating to accountancy.

Bill read second time.

The amendments proposed by the Committee on Business, Professions and Economic Development were read and adopted and the measure ordered printed, engrossed, and re-referred to the Committee on Appropriations.

**Senate Bill 183**—An act to add Chapter 31.5 (commencing with Section 7595.5) to Division 7 of Title 1 of the Government Code, relating to state buildings.

Bill read second time and ordered to third reading.

**Senate Bill 221**—An act to add Section 1463.23 to the Penal Code, relating to criminal fines.

Bill read second time and ordered to consent calendar.

**Senate Bill 712**—An act to amend Section 5201 of the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

**Senate Bill 760**—An act to amend Sections 14526.4, 14526.5, and 14526.6 of, and to add Sections 14007.3, 14033.5, and 14526.8 to, the Government Code, and to amend Section 167 of, and to add Sections 906.7 and 1805.6 to, the Streets and Highways Code, relating to transportation.

Bill read second time.

The amendments proposed by the Committee on Transportation and Housing were read and adopted and the measure ordered printed, engrossed, and re-referred to the Committee on Appropriations.

**REPORTS OF STANDING COMMITTEES**

**Committee on Rules**

Senate Chamber, January 10, 2018

Madam President: The Committee on Rules has examined:

SB 215

And reports the same correctly engrossed.

DE LEÓN, Chair



**Committee on Judiciary**

Date of Hearing, January 9, 2018

Madam President: The Committee on Judiciary, to which was referred:  
SB 224

Reports the same back with the recommendation: Do pass.

JACKSON, Chair

Above bill ordered to second reading.

**Committee on Education**

Date of Hearing, January 10, 2018

Madam President: The Committee on Education, to which was referred:  
SB 695

Reports the same back with the recommendation: Do pass, but first be  
re-referred to the Committee on Appropriations.

ALLEN, Chair

Above bill re-referred to the Committee on Appropriations.

**Committee on Judiciary**

Date of Hearing, January 9, 2018

Madam President: The Committee on Judiciary, to which was referred:  
SB 38

Reports the same back with the recommendation: Do pass, but first be  
re-referred to the Committee on Appropriations with the recommendation:  
To consent calendar.

JACKSON, Chair

Above bill re-referred to the Committee on Appropriations.

**Committee on Governance and Finance**

Date of Hearing, January 10, 2018

Madam President: The Committee on Governance and Finance, to  
which was referred:

SB 227

Reports the same back with the recommendation: Do pass, but first be  
re-referred to the Committee on Appropriations.

MCGUIRE, Chair

Above bill re-referred to the Committee on Appropriations.



Date of Hearing, January 10, 2018

Madam President: The Committee on Governance and Finance, to which was referred:

SB 519

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Environmental Quality with the recommendation: To consent calendar.

MCGUIRE, Chair

Above bill re-referred to the Committee on Environmental Quality.

Date of Hearing, January 10, 2018

Madam President: The Committee on Governance and Finance, to which was referred:

SB 522

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To consent calendar.

MCGUIRE, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing, January 10, 2018

Madam President: The Committee on Governance and Finance, to which was referred:

SB 561

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Elections and Constitutional Amendments.

MCGUIRE, Chair

Above bill re-referred to the Committee on Elections and Constitutional Amendments.

Date of Hearing, January 10, 2018

Madam President: The Committee on Governance and Finance, to which was referred:

SB 726

Reports the same back with the recommendation: Do pass.

MCGUIRE, Chair

Above bill ordered to second reading.



**Committee on Education**

Date of Hearing, January 10, 2018

Madam President: The Committee on Education, to which was referred:  
SB 320

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ALLEN, Chair

Above bill ordered to second reading.

Date of Hearing, January 10, 2018

Madam President: The Committee on Education, to which was referred:  
SB 720

Reports the same back with the recommendation: Do pass as amended, and be ordered to the consent calendar.

ALLEN, Chair

Above bill ordered to second reading.

Date of Hearing, January 10, 2018

Madam President: The Committee on Education, to which was referred:  
SB 816

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To consent calendar.

ALLEN, Chair

Above bill ordered to second reading.

**Committee on Rules**

State Capitol, January 10, 2018

The Committee on Rules has re-referred the following measure to committee:

**Judiciary**—SR 72.

**Committee on Judiciary**

Date of Hearing, January 9, 2018

Madam President: The Committee on Judiciary, to which was referred:  
SB 419

Reports the same back with the recommendation: Do pass as amended.

JACKSON, Chair

Above bill ordered to second reading.



Date of Hearing, January 9, 2018

Madam President: The Committee on Judiciary, to which was referred:  
SB 721

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

JACKSON, Chair

Above bill ordered to second reading.

Date of Hearing, January 9, 2018

Madam President: The Committee on Judiciary, to which was referred:  
SB 766

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To consent calendar.

JACKSON, Chair

Above bill ordered to second reading.

#### **Committee on Health**

Date of Hearing, January 10, 2018

Madam President: The Committee on Health, to which were referred:  
SB 399                      SB 688                      SB 707

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

HERNANDEZ, Chair

Above bills re-referred to the Committee on Appropriations.

#### **MOTIONS, RESOLUTIONS AND NOTICES MEASURES WITHDRAWN AND PLACED ON FILE**

Without objection, the following measure was withdrawn from the Committee on Environmental Quality and ordered to second reading:

SB 519

#### **INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time, and referred to the Committee on Budget and Fiscal Review:

**Senate Bill 839:** By Senator Mitchell—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, relating to the state budget, to take effect immediately, budget bill.





The following measures were introduced, read the first time, and transmitted to the Committee on Rules for assignment:

**Senate Bill 840:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 841:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 842:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 843:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 844:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 845:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 846:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 847:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 848:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 849:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 850:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 851:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 852:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 853:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 854:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 855:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 856:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 857:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.



**Senate Bill 858:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 859:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 860:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 861:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 862:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 863:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 864:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 865:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 866:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 867:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 868:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 869:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 870:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 871:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 872:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 873:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 874:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 875:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.



**Senate Bill 876:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 877:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 878:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 879:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2018.

**Senate Bill 880:** By Senator Bradford—An act to amend Section 139.43 of the Labor Code, relating to workers' compensation.

#### **SENATE COMMITTEE ROLL CALLS**

##### **Committee on Education**

**SB 320**—Do pass as amended and re-refer to the Committee on Appropriations

AYES (4)—Senators Allen, Galgiani, Leyva, and Pan.

NOES (2)—Senators Vidak and Wilk.

**SB 695**—Do pass and re-refer to the Committee on Appropriations

AYES (4)—Senators Allen, Galgiani, Leyva, and Pan.

NOES (0)—None.

**SB 720**—Do pass as amended and be ordered to the consent calendar

AYES (6)—Senators Allen, Galgiani, Leyva, Pan, Vidak, and Wilk.

NOES (0)—None.

**SB 816**—Do pass as amended and re-refer to the Committee on Appropriations with the recommendation: To consent calendar

AYES (6)—Senators Allen, Galgiani, Leyva, Pan, Vidak, and Wilk.

NOES (0)—None.

Date of Hearing: 1/10/2018

Allen, Chair

##### **Committee on Governance and Finance**

**SB 227**—Do pass and re-refer to the Committee on Appropriations

AYES (5)—Senators Beall, Hernandez, Hertzberg, Lara, and McGuire.

NOES (1)—Senator Moorlach.

**SB 519**—Do pass and re-refer to the Committee on Environmental Quality with the recommendation: To consent calendar

AYES (7)—Senators Beall, Hernandez, Hertzberg, Lara, McGuire, Moorlach, and Nguyen.

NOES (0)—None.

**SB 522**—Do pass and re-refer to the Committee on Appropriations with the recommendation: To consent calendar

AYES (7)—Senators Beall, Hernandez, Hertzberg, Lara, McGuire, Moorlach, and Nguyen.

NOES (0)—None.



**SB 561**—Do pass and re-refer to the Committee on Elections and Constitutional Amendments

AYES (5)—Senators Beall, Hernandez, Hertzberg, Moorlach, and Nguyen.

NOES (0)—None.

**SB 726**—Do pass

AYES (7)—Senators Beall, Hernandez, Hertzberg, Lara, McGuire, Moorlach, and Nguyen.

NOES (0)—None.

Date of Hearing: 1/10/2018

McGuire, Chair

**Committee on Health****SB 399**—Do pass and re-refer to the Committee on Appropriations

AYES (6)—Senators Hernandez, Mitchell, Monning, Newman, Pan, and Roth.

NOES (2)—Senators Nguyen and Nielsen.

**SB 688**—Do pass and re-refer to the Committee on Appropriations

AYES (8)—Senators Hernandez, Mitchell, Monning, Newman, Nguyen, Nielsen, Pan, and Roth.

NOES (0)—None.

**SB 707**—Do pass and re-refer to the Committee on Appropriations

AYES (7)—Senators Mitchell, Monning, Newman, Nguyen, Nielsen, Pan, and Roth.

NOES (0)—None.

Date of Hearing: 1/10/2018

Hernandez, Chair

**Committee on Judiciary****SB 38**—Do pass and re-refer to the Committee on Appropriations with the recommendation: To consent calendar

AYES (7)—Senators Anderson, Hertzberg, Jackson, Monning, Moorlach, Stern, and Wieckowski.

NOES (0)—None.

**SB 224**—Do pass

AYES (6)—Senators Anderson, Hertzberg, Jackson, Monning, Moorlach, and Wieckowski.

NOES (0)—None.

**SB 419**—Do pass as amended

AYES (6)—Senators Anderson, Hertzberg, Jackson, Monning, Moorlach, and Wieckowski.

NOES (0)—None.

**SB 691**—Do pass as amended

AYES (5)—Senators Hertzberg, Jackson, Monning, Stern, and Wieckowski.

NOES (2)—Senators Anderson and Moorlach.



**SB 721**—Do pass as amended and re-refer to the Committee on Appropriations

AYES (5)—Senators Hertzberg, Jackson, Monning, Stern, and Wieckowski.

NOES (2)—Senators Anderson and Moorlach.

**SB 722**—Do pass

AYES (2)—Senators Anderson and Moorlach.

NOES (1)—Senator Jackson.

Failed Passage

**SB 722**—Reconsideration granted

AYES (7)—Senators Anderson, Hertzberg, Jackson, Monning, Moorlach, Stern, and Wieckowski.

NOES (0)—None.

**SB 766**—Do pass as amended and re-refer to the Committee on Appropriations with the recommendation: To consent calendar

AYES (7)—Senators Anderson, Hertzberg, Jackson, Monning, Moorlach, Stern, and Wieckowski.

NOES (0)—None.

Date of Hearing: 1/9/2018

Jackson, Chair

#### **LEAVES OF ABSENCE**

The following Senator was granted leave of absence for the day on personal business: Senator Mendoza.

The following Senator was granted leave of absence for the day on legislative business: Senator Stern.

#### **ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 9 a.m., Thursday, January 11, 2018.

NEVA MARIE PARKER, Minute Clerk

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